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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,448	09/04/2001	Brad Jaehn	113402-008	9501

26689 7590 03/08/2005

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EXAMINER

RUHL, DENNIS WILLIAM

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/682,448	JAEHN ET AL.	
	Examiner	Art Unit	
	Dennis Ruhl	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/8/05 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 31-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Our technology", ITA software, 4/24/01 (A21 from IDS of 5/27/03) in view of Daughtrey (2003/0018500).

For claims 31,32,35,38,39,42,43,44,45, ITA discloses a way of identifying and displaying airline flight information (based on user entered criteria; a travel request) from more than one airline so that a consumer can easily and clearly see a summary of available flights for comparison purposes. ITA discloses a *service provider identifier* at the top of each column of flight data and a flight *type identifier* at the head of each row of data. At the intersection of each row and column is the associated pricing data relevant to that provider and type of flight. The data is presented in matrix form as claimed. ITA does not disclose displaying car rental information as claimed, where the displayed car companies have one or more vehicles that meet the search requirements for the travel request. Daugherty discloses a travel planning display method for displaying and comparing pricing of different airline flights. Daugherty discloses in paragraph 14 that the travel planning system can also be used *for other transportation forms* such as bus and railroad. Daugherty teaches that the form of transportation that the system can be used with can vary and is not limited to airlines. It would have been obvious to one of ordinary skill in the art to utilize the display method of ITA for rental cars (another form of transportation) and the companies that rent cars, so that customers of rental car companies can enjoy the use of an easy to use pricing summary display. In view of Daugherty and the disclosure that other modes of transportation are contemplated, one of ordinary skill in the art would have found the use of the ITA

system in rental cars to be obvious. It then necessarily follows that the displayed results would be for each rental car company that has vehicles available to satisfy the travel request. A user would then be able to search for a luxury car (or any kind of car class) and have the results displayed.

For claim 33, ITA does not disclose the use of a hypertext link as claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a hypertext link as claimed so that a consumer can easily obtain more detailed information about the rental they are interested in. Hypertext links are old and well known in the art and is considered obvious to one of ordinary skill in the art.

For claim 34, the examiner notes that the method only recites the displaying of a hypertext link in claim 33 and that the link is not recited as being used or activated. Reciting specifics of another web page that the link of claim 33 is to take you to, is taken as just elaboration on the intended use of the link of claim 33. It has not been claimed that the hypertext link of claim 33 is activated or used to take the user to another page so reciting the specifics of that page will not receive patentable weight. Claim 34 is interpreted to be reciting more about the web page that the link of claim 33 can take you to, but this other web page is not actually being recited as part of the scope of the claim, just that the link of claim 33 can take you there. The examiner is not going to give patentable weight to the content of the web page that the link of claim 33 can take you to because that web page has not been claimed as part of the method. Any link can take you to any kind of web page so this is taken more as a recitation of intended use than an actual step.

For claim 36, the rates are displayed in the same format. All rates are displayed in terms of dollars. Each day, the rates are displayed in terms of dollars.

For claim 37, the software of TA inherently determines the format for the rates. The software must inherently be instructed or programmed to display the rates in terms of dollars.

For claims 40,41, if the search is not for more than one vehicle class, the recitations of this claim are not needed. Alternatively, from the 103 combination, the type of flight in TA (nonstop, one stop, two stops) would be the vehicle class type when TA is used for rental cars. This satisfies what is claimed. TA teaches that more than one type of flight can be displayed on the results, so if one was using the system for rental cars (as set forth by the examiner), it would necessarily follow that the flight types would be vehicle types.

5. Applicant's arguments filed 2/8/05 have been fully considered but they are not persuasive.


Concerning the 103 rejection the arguments are non-persuasive. The only difference with the instant invention and the prior art is the displaying of rental car data as opposed to airline data. The examiner notes that the secondary reference teaches the display of other types of transportation options other than airlines (bus, train) in a similar system, and in view of this, it is considered obvious to display car rental data as claimed. As an example, should someone claiming bike rental data be given a patent in view of the instant disclosure because they display bike data instead of car data? The

arguments for patentability that are based on what kind of data is being displayed (car rental versus airline) are considered non-persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 703-308-2262. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DENNIS RUHL
PRIMARY EXAMINER